

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

JAMES KEVIN CHURCHILL

PLAINTIFF

v.

Civil No. 05-5190

SHERIFF KEITH FERGUSON and
DR. NEIL MULLINS

DEFENDANTS

ORDER

Plaintiff's complaint was filed in this case on November 30, 2005, and amendment to the complaint was filed on December 7, 2005. Before the undersigned is the issue of whether the complaint should be served. In order to assist the court in making such determination, it is necessary that plaintiff provide additional information with respect to his claims.

Accordingly, it is ordered that plaintiff, James Kevin Churchill, complete and sign the attached addendum to his complaint, and return the same to the court **by March 3, 2006. Plaintiff is advised that should he fail to return the completed and executed addendum by March 3, 2006, his complaint may be dismissed without prejudice for failure to prosecute and/or for failure to obey an order of the court.**

IT IS SO ORDERED this 1st day of February 2006.

/s/ Beverly Stites Jones

HON. BEVERLY STITES JONES
UNITED STATES MAGISTRATE JUDGE

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Civil No. 05-5190

SHERIFF KEITH FERGUSON and
DR. NEIL MULLINS

DEFENDANTS

ADDENDUM TO COMPLAINT

TO: JAMES KEVIN CHURCHILL

This form is sent to you so that you may assist the court in making a determination as to the issue of whether your complaint should be served upon the defendants. Accordingly, it is required that you fill out this form and return this entire form (including this first page) back to the court **by March 3, 2006**. Failure to do so will result in the dismissal of your complaint.

The response must be legibly handwritten or typewritten, and all questions must be answered completely in the proper space provided on this form. If you need additional space, you may attach additional sheets of paper to this addendum.

RESPONSE

In your complaint (Doc. 1), amended complaint (Doc. 7) and supplement (Doc. 8), you make the following allegations: (1) Dr. Mullins refused to test you for Hepatitis C although you came in contact with someone who had it. (2) On November 1, 2005, you had an allergic reaction to medication which caused you vomiting and dizziness, and when you pushed the emergency button the officer told you to put in a sick call for the nurse in the morning. (3) On November 2, 2005, you pushed the emergency button because you were having trouble

breathing, you asked for your inhaler, and Officer Fernandez said it was empty and you have to wait for the nurse in the morning. (4) On October 23, 2005, you had to push the emergency button three times before Sgt. Nance delivered your inhaler. (5) On November 1, 2005, you had to wait 15-20 minutes before Cpl. Fernandez got you the inhaler. (6) You were not allowed to attend religious services with other inmates because you are HIV positive. (7) You are housed on lock down in a medical pod and receive recreation with felon Scott (you were being detained on a misdemeanor charge) due to your HIV status. (8) You have received your food on styrofoam plates because you are HIV-positive and you have had missing food items that other inmates have received. (9) You have received 30-days of lock down from three different officers since you submitted grievances on these officers

1. In your complaint, you name Sheriff Keith Ferguson as a defendant in this action, however you do not describe any actions taken by Sheriff Ferguson that violate your federal constitutional rights. Explain what actions Sheriff Ferguson has taken that you believe violates your federal constitutional rights and explain why you believe he should be held liable for the allegations in your complaint.

2. You claim that Dr. Mullins refused to give you a Hepatitis C test although you came in contact with someone who had Hepatitis C. Why did Dr. Mullins state that he would not give you a Hepatitis C check?

3. Do you intend to name any other individuals as defendants in this action?

Answer: Yes _____ No _____

If you answered yes, then state each individual by name and position, then explain the actions each took that you believe violated your federal constitutional rights.

4. How were you harmed by the delay in receiving your inhaler?

5. You state that on November 1, 2005, you had an allergic reaction to certain medications, and that when you pushed the emergency button, the officer told you to put in a sick call in the morning when the nurse was there. How were you harmed by this?

6. You state that you were not allowed to attend religious services with certain other inmates because you are HIV-positive. Were you allowed to attend religious services at other times?

Answer: Yes_____ No_____

If you answered yes, then explain how the denial of attending religious services with certain other inmates harmed you.

7. How did being released on recreation with inmate Scott Fox, who is a felon, harm you?

8. You state in your grievances that Scott Fox threatened you, yet you submit to the court a letter from Fox in support of you claims. Explain why Fox would provide such a letter when he was also threatening you.

9. How did receiving your food on styrofoam plates harm you?

10. You claim that you received lock down from three different officers after filing grievances about them. Are you alleging that these officers acted in retaliation for your filing of the grievances?

Answer: Yes _____ No _____

Explain your answer.

11. Did you received a disciplinary hearing before you were placed on lock down?

Answer: Yes_____ No_____

If you answered yes, then state what rule you violated and what the results of the disciplinary hearings were.

I CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS COVERED BY THE VERIFICATION MADE BY ME ON MY INITIAL COMPLAINT.

JAMES KEVIN CHURCHILL

DATE